IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JEREMY MULLIS Plaintiff,)))
V.) ORDER AND RECOMMENDATION
STANLY COUNTY JAIL, et al.,)) 1:09CV196
Defendant.))

This matter is before the court on Plaintiff's application to proceed *in forma* pauperis (IFP). Pursuant to the Prisoner Litigation Reform Act, the court must perform its screening responsibility. For the reasons which follow, the IFP application will be granted but for the limited purpose of conducting the required screening. Nevertheless, as explained below the complaint is subject to being dismissed.

Plaintiff's complaint purports to bring claims pursuant to 42 U.S.C. § 1983. Unfortunately for him, Plaintiff has not named proper defendants or given sufficient addresses for them to be served. Plaintiff must name the individuals who acted or failed to act and whom Plaintiff claims are actually responsible for the alleged violations of his constitutional rights. Only then may Plaintiff name entities who are not persons but who are responsible for the actions of the persons whom Plaintiff has named. It is rare indeed that the court would ever approve a county jail being

named as a defendant, and the court would not approve "the medical staff" being named as a defendant. In short, these entities are not persons subject to suit.

Consequently, this particular complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper section 1983 forms, which corrects the defects of the present complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new section 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Rule 8 of the Federal Rules of Civil Procedure (*i.e.* sections (a) and (e)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order. The Clerk is instructed to send Plaintiff section 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Rule 8 of the Federal Rules of Civil Procedure (*i.e.* sections (a) and (e)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper section 1983 forms, which corrects the defects cited above.

WALLACE W. DIXON

United States Magistrate Judge

April 21, 2009